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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF WASHINGTON**

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13 In re:

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15 Philip G. Rosenkranz
16 Debtor

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Case No. 14-01974-FLK7

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19 **UNITED STATES TRUSTEE'S**
20 **NOTICE OF AND MOTION TO**
21 **EXTEND TIME**

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23 Please take notice that the United States Trustee hereby moves the court for an
24 order that extends the time for filing a motion to dismiss under 11 U.S.C. § 707(b) or a
25 complaint objecting to discharge under 11 U.S.C. § 727. The United States Trustee
26 does so on the following grounds:

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28 1. The United States Trustee is currently reviewing this case to determine
whether either a motion to dismiss under 11 U.S.C. § 707(b) or a complaint objecting
to discharge under 11 U.S.C. § 727 would be appropriate in case.

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30 2. The United States Trustee began reviewing this case shortly after it was
31 filed and has asked the Debtor to provide information to assist the United States
32 Trustee in its review. The Debtor has cooperated with the United States Trustee's
33 office and is continuing to do so. However, the United States Trustee is currently
34 waiting for the Debtor to provide certain additional requested information.

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36 3. The current deadlines for bringing either a motion to dismiss under 11
U.S.C. § 707(b) or a complaint objecting to discharge under 11 U.S.C. § 727 are

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38 United States Trustee's Motion to Extend Time - 1

1 August 18, 2014 and September 8, 2014. There is not sufficient time before those
2 deadlines for the Debtor to provide the United States Trustee with the necessary
3 information, for the United States Trustee to review that information, for the United
4 States Trustee to make a decision whether to bring a motion to dismiss or a complaint
5 objecting to discharge, and (if appropriate) for the United States Trustee to draft, file
6 and serve the necessary motion/complaint. If the United States Trustee is required to
7 seek production of this information pursuant to Bankruptcy Rule 2004, then even
8 more time will be required.

9 4. Bankruptcy Rule 4004(b) permits the Court to extend the time to filing a
10 complaint objecting to discharge for cause. Bankruptcy Rule 1017(e)(1) similarly
11 provides that the Court may extend the time for filing a §707(b) motion to dismiss,
12 again for cause shown. In both cases, the request for an extension of time must be
13 filed before the original deadline.

14 5. Here, the United States Trustee's inability to complete the investigation into
15 the Debtor's financial situation despite diligence in pursuing that investigation
16 constitutes cause for extension of the deadline for filing such a motion/complaint.
17 This motion is brought before the current filing deadline has expired and is timely.

18 Wherefore, the court is respectfully requested to extend the time for filing a
19 motion to dismiss under 11 U.S.C. § 707(b) or a complaint objecting to discharge under
20 11 U.S.C. § 727 to October 17, 2014.

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22 UNLESS YOU FILE A written objection with the clerk of the court at 402 E. Yakima
23 Ave., Suite 200, Yakima, WA 98901 or 904 West Riverside Avenue, Room 304,
24 Spokane, WA 99201 and serve a copy on the undersigned, and on the trustee, within 24
25 days of the date of this notice, an order may be entered without further notice to you.

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28 United States Trustee's Motion to Extend Time - 2

1 THE UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT ALL
2 ENTITIES ENTITLED TO NOTICE OF THIS DOCUMENT ARE REGISTERED
3 PARTICIPANTS IN THE CM/ECF SYSTEM IN THIS CASE.

4 Dated: August 14, 2014

Respectfully submitted,

GAIL BREHM GEIGER
Acting United States Trustee

/s/ James D. Perkins
JAMES D. PERKINS
Attorney for the United States Trustee

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United States Trustee's Motion to Extend Time - 3